

REMARKS

Reconsideration of the application is respectfully requested.

I. Status of the Claims

Claim 7 is canceled without prejudice or disclaimer.

Claims 1-6 are amended without the introduction of new matter.

Claims 1-6 are pending.

II. Restriction Requirement

The Examiner has required restriction between:

- I. Claims 1-6, drawn to a blood purification device having a water removing means, classified in class 604, subclass 5.01.
- II. Claim 7, drawn to a blood purification method including a step of changing a rate and a step of identifying a malfunction, classified in class 128, subclass 898.

During a telephone conversation with the Examiner on May 18, 2006, an election was made without traverse to prosecute the invention of Group I, claims 1-6. Applicants confirm that election of Group I, claims 1-6 without traverse. Accordingly, claim 7 is canceled as noted above.

III. Objection to the Claim

Claim 2 was objected to because of informalities. In response, claim 2 is amended to overcome that objection. Accordingly, Applicants respectfully request the withdrawal of the objection to claim 2 on that basis.

Accordingly, the calculating unit calculates the measurement value and the theoretical value, and then, the evaluation unit evaluates whether the measurement value and the theoretical value are approximately equal. *See*, the Specification at page 12, line 5 to page 13, line 21, for example. In response to a result of that evaluation, the calculating unit performs a calculation to determine a performance of at least one of the blood pump and the blood purifier using a formula. As a result, the present invention effectively identifies which part or unit of the blood purification device is malfunctioning. Consequently, a medical staff can efficiently repair the part or unit identified to be malfunctioning. *See* the Specification at page 13, line 23 to page 18, line 23, for example.

The Examiner asserts that Brugger teaches features of the calculating unit and the evaluation unit recited in claim 1. However, Brugger merely teaches controlling a filtration rate based on comparison between the fluid reduction value derived from the pre- and post-treatment hematocrits, and the desired filtration fraction value (“FF”) prescribed by the attending physician. *See*, Brugger, column 21, lines 24-53 and column 24, lines 8-34. Brugger fails to teach or suggest the above-noted features recited in amended claim 1.

Therefore, the present invention recited in amended claim 1 is patentably distinguishable over Brugger. Accordingly, Applicants respectfully request the withdrawal of the rejections of claims 1-6 based on Brugger.

